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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,369	03/15/2001	Tomoyuki Obara	203432US3XPC	7574

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,369

Applicant(s)

OBARA, TOMOYUKI

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 11-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because reference character 3 is missing from Figure 1. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobrehel (US Patent 5,927,020).

Kobrehel discloses a door trim structure for automobiles, the door trim structure comprising: a door trim (12) and an inner door panel (Fig. 4) both made of a thermoplastic resin (column 7, lines 11-17), the inner door panel and the door trim (12) are formed into an integral one-piece unit by a blow molding process (column 7, lines 11-17), wherein the inner door panel includes a functional member attachment portion (22) integral with the inner door panel (column 5, lines 34-35), and wherein the

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functional member attachment portions (22) includes a recess or a protrusion (22) as a part of an inner wall of the door trim structure such that the functional member attachment portion (22) is formed by the blow-molding process forming the inner door panel and the door trim into the integral one-piece unit (column 6, lines 18-22).

Regarding claim 6, Kobrehel discloses door trim structure for automobiles as claimed in claim 1, wherein the thermoplastic resin is a polypropylene resin (column 7, line 17).

Regarding claim 11, Kobrehel discloses a door trim structure for automobiles as claimed in claim 1, wherein the functional member attachment portion (22,30) includes recesses (30) and protrusions (22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobrehel in view of Grimes (US Patent 5,040,335).

Kobrehel discloses a door trim structure for automobiles as claimed in claim 1.

Kobrehel does not disclose that the inner door panel also acts as a shock absorber.

Grimes discloses a door trim structure which also acts as a shock absorber, wherein the inner door panel includes a plurality of recesses on its surface (28,30) wherein the recessed inner door panel is sealed with the door trim.

Kobrehel and Grimes are analogous art because they are from the same field of endeavor, i.e., door inner panels with door trims.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the inner door panel of Kobrehel a shock absorbing member which includes recesses in the inner panel as taught by Grimes.

The motivation would have been provide shock absorption in the inner door panel to protect the passenger in an accident.

Therefore, it would have been obvious to combine Grimes with Kobrehel to obtain the invention as specified in claims 3-5.

Regarding claim 7, Kobrehel does not disclose what the melt index of the polypropylene resin is. However, the melt index would have been an obvious mechanical expedient. The polypropylene resin would have been selected by one of

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ordinary skill in the art to meet all of the engineering requirements, such as strength and compatibility with the blow molding machine.

7. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kobrehel.

Regarding claims 12 and 13, MPEP 2113 Product-by-Process Claims states that "If the product in the product-by-process claim is that same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process." The door trim structure is anticipated by Kobrehel. The process by which the door trim structure is made is not a patentable distinction.

Response to Arguments

8. Applicant's arguments filed July 28, 2003 have been fully considered but they are not persuasive. The applicant argues that the functional attachment portions are not integrally formed as a one-piece unit with the inner door panel and the door trim by means of a blow molding process and that the posts (22) are not integral with the plate (20). However, Kobrehel discloses in column 5, lines 34-35 that the rigid fasteners 22 are embedded in the plastic material of the door cavity insert and in column 6, lines 18-22 that "the door cavity insert 12 is formed as a unitary molded plastic structure with unitary mounting means for various functional componentery." And then in column 7, lines 4-13, Kobrehel discloses that the hollow embodiment also includes unitary mounting means (similar to the embodiment of Fig. 3) and can be formed by blow-molding. Regarding the argument that the posts (22) do not meet the requirement of

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being a functional member attachment portion, the posts are a portion of the entire functional member attachment (20,22). Regarding the argument that plate 20 and posts 22 are not "integral", it has been held that the term "integral" is sufficiently broad to embrace all constructions united by such means as fastening and welding. At some point in the assembly the plate and the post become integral. Also, in column 6, lines 18-22, Kobrehel discloses that the mounting means are unitary with the molded plastic structure.

In the Preliminary Amendment the Applicant states that they filed drawing corrections, however they drawing correction was not with the Preliminary amendment.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Patricia L Engle
Examiner
Art Unit 3612

ple
September 4, 2003


STERLING GORDON
FALLS CHURCH, VA